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EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

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Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negated by the manner in which the invention was made.

2. Claims 1-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft et al (Hereinafter Kunzle U.S Patent: 6, 112, 225).

As per claims 1, 9, Kraft discloses a method of providing information obtained over a computer network to a plurality of users each using a remote computer, the method comprising:

obtaining a plurality of profiles each specifying a user's ("i. e, computers");  
defining at least one task as a function(see column 6 lines 61-67 and column 7-9 lines 1-67) monitoring information about by at least one of the plurality of tasks being executed on a client computer(see column 6 lines 61-67 and column 7-9 lines 1-67) receiving from the tasks information(see column 6 lines 61-67 and column 7-9 lines 1-67) distributing the information about to at least one of the plurality of users as a function of said user's. (Note abstract and see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

Kraft fail to explicitly teach investment preferences, one or more financial instruments, investor.

However Wallman discloses The present invention solves the problem of individual or smaller investors (which includes investors investing a smaller amount and collectively referred to herein as "investors"), creating and managing on a cost-effective basis a complex portfolio of securities. The present invention does this by providing a computer-based system to which the investor provides his preferences, which system generates a portfolio that reflects the investor's preferences or assists the investor in selecting a portfolio, allows that portfolio to

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be modified by the investor as a whole portfolio and allows the investor to direct that the portfolio or specified individual securities in the portfolio be purchased or sold or modified as a portfolio transaction. The system further aggregates orders generated by other investors at various times during the day for execution, and includes a device for such execution with investors being allocated specific interests, including small numbers of (and fractional shares, if needed in) securities. The system further nets the various transactions so aggregated to provide even better execution and even lower costs. (Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Kraft modify to include investment preferences, one or more financial instruments, investor taught by Wallman in order to electronically trade and invest in securities or other assets, rights or liabilities, such as commodities or futures. More particularly, the present invention relates to a method and apparatus for electronically trading over wired and wireless networks, including over the Internet, and investing in securities or other assets, rights or liabilities that enables a user, at a reasonable cost, to create and manage a complex and diversified portfolio of such securities or other assets, rights or liabilities.

As per claim 2, Kraft discloses further comprising initializing and executing the task on an agent. (Note abstract and see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

As per claim 3, Kraft discloses further comprising creating an assignment for each task to record information thereabout on a database. (Note abstract and see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

As per claim 4, Kraft discloses further comprising managing a priority of each assignment such that an assignment having a higher priority is distributed to an agent before an assignment having a lower priority. (Note abstract and see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

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As per claim 5, Kraft discloses wherein the priority of each assignment is based upon a number of agents that require completion of an assignment. (Note abstract and see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

As per claim 6, Kraft discloses wherein receiving from the tasks information about the one or more financial instruments comprises receiving a task report message including a node identification and an identification of the task. (Note abstract and see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

As per claim 7, Kraft discloses further comprising filtering the information about the one or more financial instruments received from the tasks to determine one or more users that would like to receive one or more pieces of the information based upon the investment strategy of each user. (Note abstract and see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

As per claim 8, Kraft discloses further comprising receiving from one of the tasks a task report message that includes an identification of the task, a status of the task and at least one piece of information about one or more financial instruments. (Note abstract and see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

As per claim 10, Kraft discloses further comprising managing a priority of each assignment such that an assignment having a higher priority is distributed to an agent before an assignment having a lower priority. (see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

As per claim 11, Kraft discloses a method of providing information about one or more to a remote server over a computer network, the information to be used by at least some of a plurality of users each having an and each using a computer, the method comprising;  
receiving and executing one or more tasks on one of the computers of one of the users(see column 6 lines 61-67 and column 7-9 lines 1-67) at least one of the tasks for monitoring information and transmitting the information about the one or more to a server such that the server can distribute the information about the to at least some of the plurality of users. (Note abstract and see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

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Kraft fail to explicitly teach investment preferences, one or more financial instruments, based upon each investor profile and investor profile that includes investor.

However Wallman discloses the present invention solves the problem of individual or smaller investors (which includes investors investing a smaller amount and collectively referred to herein as "investors"), creating and managing on a cost-effective basis a complex portfolio of securities. The present invention does this by providing a computer-based system to which the investor provides his preferences, which system generates a portfolio that reflects the investor's preferences or assists the investor in selecting a portfolio, allows that portfolio to be modified by the investor as a whole portfolio and allows the investor to direct that the portfolio or specified individual securities in the portfolio be purchased or sold or modified as a portfolio transaction. The system further aggregates orders generated by other investors at various times during the day for execution, and includes a device for such execution with investors being allocated specific interests, including small numbers of (and fractional shares, if needed in) securities. The system further nets the various transactions so aggregated to provide even better execution and even lower costs. (Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kraft to investment preferences, one or more financial instruments, based upon each investor profile and investor profile that includes investor taught by Wallman in order to electronically trade and invest in securities or other assets, rights or liabilities, such as commodities or futures. More particularly, the present invention relates to a method and apparatus for electronically trading over wired and wireless networks, including over the Internet, and investing in securities or other assets, rights or liabilities that enables a user, at a reasonable cost, to create and manage a complex and diversified portfolio of such securities or other assets, rights or liabilities.

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As per claims 12, 9, Kraft discloses a further comprising verifying a connection with the server.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claim 13, 9, Kraft discloses a wherein the one or more tasks each include an assignment that includes information of the type of task, the current state of the assignment, and an identification of the node that is executing the task. .(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claims 14, 16, Kraft discloses a method of providing to a remote computer information obtained over a computer network to a plurality of users, each of the users having a remote computer and each having an specifying the user's, the method comprising:

receiving at least one task defined as a function of the executing the at least one task to monitor information about one or more;

transmitting to the remote computer information obtained from the at least one task about the one or more financial instruments such that the information about the one or more can be distributed to the to at least one of the plurality of users as a function of said user's.

Kraft fail to explicitly teach investment preferences, one or more financial instruments, investor, investor profile.

However Wallman discloses The present invention solves the problem of individual or smaller investors (which includes investors investing a smaller amount and collectively referred to herein as "investors"), creating and managing on a cost-effective basis a complex portfolio of securities. The present invention does this by providing a computer-based system to which the investor provides his preferences, which system generates a portfolio that reflects the investor's preferences or assists the investor in selecting a portfolio, allows that portfolio to be modified by the investor as a whole portfolio and allows the investor to direct that the portfolio or specified individual securities in the portfolio be purchased or sold or modified as a portfolio transaction. The system further aggregates orders generated by other investors at various times during the day for execution, and

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includes a device for such execution with investors being allocated specific interests, including small numbers of (and fractional shares, if needed in) securities. The system further nets the various transactions so aggregated to provide even better execution and even lower costs.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kraft to include investment preferences, one or more financial instruments, investor, investor profile taught by Wallman in order to electronically trade and invest in securities or other assets, rights or liabilities, such as commodities or futures. More particularly, the present invention relates to a method and apparatus for electronically trading over wired and wireless networks, including over the Internet, and investing in securities or other assets, rights or liabilities that enables a user, at a reasonable cost, to create and manage a complex and diversified portfolio of such securities or other assets, rights or liabilities.

As per claims 15, 9, Kraft discloses a wherein the remote computer is a remote server. (Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claims 17, 21-22, Kraft discloses an apparatus for providing information obtained over a computer network to a plurality of users each using a remote computer, the apparatus comprising:  
a server coupled to the computer network, wherein the server is programmed to:  
obtain a plurality of investor profiles each specifying a user's(see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43)  
define at least one task as a function of the;  
monitor information about one or more by at least one of the plurality of tasks being executed on a client computer(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43)  
receive from the tasks information about the one or more financial instruments;



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and distribute the information about the one or more to at least one of the plurality of users as a function of said user's investment preferences. (Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Kraft fail to explicitly teach investment preferences, one or more financial instruments, investor, investor profile.

However Wallman discloses The present invention solves the problem of individual or smaller investors (which includes investors investing a smaller amount and collectively referred to herein as "investors"), creating and managing on a cost-effective basis a complex portfolio of securities. The present invention does this by providing a computer-based system to which the investor provides his preferences, which system generates a portfolio that reflects the investor's preferences or assists the investor in selecting a portfolio, allows that portfolio to be modified by the investor as a whole portfolio and allows the investor to direct that the portfolio or specified individual securities in the portfolio be purchased or sold or modified as a portfolio transaction. The system further aggregates orders generated by other investors at various times during the day for execution, and includes a device for such execution with investors being allocated specific interests, including small numbers of (and fractional shares, if needed in) securities. The system further nets the various transactions so aggregated to provide even better execution and even lower costs.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kraft to include investment preferences, one or more financial instruments, investor, investor profile taught by Wallman in order to electronically trade and invest in securities or other assets, rights or liabilities, such as commodities or futures. More particularly, the present invention relates to a method and apparatus for electronically trading over wired and wireless networks, including over the Internet, and investing in securities or other assets, rights or liabilities that enables a user, at a reasonable cost, to create and manage a complex and diversified portfolio of such securities or other assets, rights or liabilities.

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As per claim 18, Kraft discloses wherein the server is further programmed to create an assignment for each task to record information thereabout on a database.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claims 19, Kraft discloses wherein the server is further programmed to manage a priority of each assignment such that an assignment having a higher priority is distributed to an agent before an assignment having a lower priority.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claims 20, Kraft discloses wherein the priority of each assignment is based upon a number of agents that require completion of an assignment. (Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claims 23, Kraft discloses further comprising receiving from one of the tasks a task report message that includes an identification of the task, a status of the task and at least one piece of information about one or more financial instruments.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claim 24, Kraft discloses an apparatus for providing information about to a remote server over a computer network, the information to be used by at least some of a plurality of users each that includes and each using a computer, the apparatus comprising:

an agent programmed to execute on a computer, wherein the agent is programmed to, receive and execute one or more tasks on one of the computers of one of the users.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43) at least one of the tasks for monitoring information about one or more and transmit the information about the one or more to a server such that the server can distribute the information about the one or more financial instruments to at least some of the plurality of users based upon each investor profile.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Kraft fail to explicitly teach investment preferences, one or more financial instruments, investor, investor profile.

However Wallman discloses The present invention solves the problem of individual or smaller investors (which includes investors investing a smaller amount and collectively referred to herein as "investors"), creating and managing on a cost-effective basis a complex portfolio of securities. The present invention does this by providing a computer-based system to which the investor provides his preferences, which system generates a portfolio that reflects the investor's preferences or assists the investor in selecting a portfolio, allows that portfolio to be modified by the investor as a whole portfolio and allows the investor to direct that the portfolio or specified individual securities in the portfolio be purchased or sold or modified as a portfolio transaction. The system further aggregates orders generated by other investors at various times during the day for execution, and includes a device for such execution with investors being allocated specific interests, including small numbers of (and fractional shares, if needed in) securities. The system further nets the various transactions so aggregated to provide even better execution and even lower costs.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kraft to include investment preferences, one or more financial instruments, investor, investor profile taught by Wallman in order to electronically trade and invest in securities or other assets, rights or liabilities, such as commodities or futures. More particularly, the present invention relates to a method and apparatus for electronically trading over wired and wireless networks, including over the Internet, and investing in securities or other assets, rights or liabilities that enables a user, at a reasonable cost, to create and manage a complex and diversified portfolio of such securities or other assets, rights or liabilities.

As per claims 25, Kraft discloses wherein the agent is further programmed to verify a connection with the server.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claim 26, Kraft discloses wherein the one or more tasks each include an assignment that includes information of the type of task, the current state of the

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assignment, and an identification of the node that is executing the task.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claims 27, 29, Kraft discloses an apparatus for providing to a remote computer information obtained over a computer network to a plurality of users, each of the users having an investor profile specifying the user's investment preferences, the apparatus comprising:

a client computer coupled to the computer network, wherein the client computer is programmed to:

receive at least one task defined as a function of the, execute the at least one task to monitor information about , transmit to a remote computer information obtained from the at least one task about the such that the information about the can be distributed to the to at least one of the plurality of users as a function of said.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Kraft fail to explicitly teach investment preferences, one or more financial instruments, investor, investor profile.

However Wallman discloses The present invention solves the problem of individual or smaller investors (which includes investors investing a smaller amount and collectively referred to herein as "investors"), creating and managing on a cost-effective basis a complex portfolio of securities. The present invention does this by providing a computer-based system to which the investor provides his preferences, which system generates a portfolio that reflects the investor's preferences or assists the investor in selecting a portfolio, allows that portfolio to be modified by the investor as a whole portfolio and allows the investor to direct that the portfolio or specified individual securities in the portfolio be purchased or sold or modified as a portfolio transaction. The system further aggregates orders generated by other investors at various times during the day for execution, and includes a device for such execution with investors being allocated specific interests, including small numbers of (and fractional shares, if needed in) securities. The system further nets the various transactions so aggregated to

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provide even better execution and even lower costs.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kraft to include investment preferences, one or more financial instruments, investor, investor profile taught by Wallman in order to electronically trade and invest in securities or other assets, rights or liabilities, such as commodities or futures. More particularly, the present invention relates to a method and apparatus for electronically trading over wired and wireless networks, including over the Internet, and investing in securities or other assets, rights or liabilities that enables a user, at a reasonable cost, to create and manage a complex and diversified portfolio of such securities or other assets, rights or liabilities.

As per claim 28, Kraft discloses wherein the remote computer is a remote server. (Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claim 30, Kraft discloses a system for providing information obtained over a computer network to a plurality of users each using a remote computer, the method comprising:

a first computer coupled to the computer network, wherein the first computer is programmed to(see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44) obtain a plurality of investor profiles each specifying a user's; define at least one or more tasks as a function of the(see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

receive from the tasks information about the; and

distribute the information about the to at least one of the plurality of users as a

function of said user's, and a second computer coupled to the computer network,

wherein the second computer is programmed to(see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44)

receive and execute the one or more tasks on one of the computers of one of the users;

and monitor information about by executing at least one of the one or more tasks;

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transmit the information about the one or more financial instruments to the first computer. (Note abstract and see column 6 lines 61-67 and column 7-9 lines 1-67 and see column 2 lines 1-44).

Kraft fail to explicitly teach investment preferences, one or more financial instruments, investor, investor profile.

However Wallman discloses The present invention solves the problem of individual or smaller investors (which includes investors investing a smaller amount and collectively referred to herein as "investors"), creating and managing on a cost-effective basis a complex portfolio of securities. The present invention does this by providing a computer-based system to which the investor provides his preferences, which system generates a portfolio that reflects the investor's preferences or assists the investor in selecting a portfolio, allows that portfolio to be modified by the investor as a whole portfolio and allows the investor to direct that the portfolio or specified individual securities in the portfolio be purchased or sold or modified as a portfolio transaction. The system further aggregates orders generated by other investors at various times during the day for execution, and includes a device for such execution with investors being allocated specific interests, including small numbers of (and fractional shares, if needed in) securities. The system further nets the various transactions so aggregated to provide even better execution and even lower costs. (Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kraft to include investment preferences, one or more financial instruments, investor, investor profile taught by Wallman in order to electronically trade and invest in securities or other assets, rights or liabilities, such as commodities or futures. More particularly, the present invention relates to a method and apparatus for electronically trading over wired and wireless networks, including over the Internet, and investing in securities or other assets, rights or liabilities that enables a user, at a reasonable cost, to create and manage a complex and diversified portfolio of such securities or other assets, rights or liabilities.

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As per claims 31, 35-36, Kraft discloses an article of manufacture, comprising:  
a computer readable medium having computer readable program code for authenticating a user of a client computer over a computer network, the computer readable program code including instructions for:

causing the computer system to obtain a plurality of each specifying a user's causing the computer system to define at least one task as a function of the. ( see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43)

causing the computer system to monitor information about one or more by at least one of the plurality of tasks being executed on a client computer; causing the computer system to receive from the tasks information about the and causing the computer system to distribute the information about the to at least one of the plurality of users as a function of said user's. (Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Kraft fail to explicitly teach investment preferences, one or more financial instruments, investor, investor profile.

However Wallman discloses The present invention solves the problem of individual or smaller investors (which includes investors investing a smaller amount and collectively referred to herein as "investors"), creating and managing on a cost-effective basis a complex portfolio of securities. The present invention does this by providing a computer-based system to which the investor provides his preferences, which system generates a portfolio that reflects the investor's preferences or assists the investor in selecting a portfolio, allows that portfolio to be modified by the investor as a whole portfolio and allows the investor to direct that the portfolio or specified individual securities in the portfolio be purchased or sold or modified as a portfolio transaction. The system further aggregates orders generated by other investors at various times during the day for execution, and includes a device for such execution with investors being allocated specific interests, including small numbers of (and fractional shares, if needed in) securities. The system further nets the various transactions so aggregated to

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provide even better execution and even lower costs.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kraft to include investment preferences, one or more financial instruments, investor, investor profile taught by Wallman in order to electronically trade and invest in securities or other assets, rights or liabilities, such as commodities or futures. More particularly, the present invention relates to a method and apparatus for electronically trading over wired and wireless networks, including over the Internet, and investing in securities or other assets, rights or liabilities that enables a user, at a reasonable cost, to create and manage a complex and diversified portfolio of such securities or other assets, rights or liabilities.

As per claim 32, Kraft discloses wherein the instructions for causing the computer system to initialize and execute the task on an agent.(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

33. The article of manufacture of claim 31, wherein the instructions for causing the computer system to create an assignment for each task to record information thereabout on a database. .(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

As per claim 34. Kraft discloses wherein the instructions for causing the computer system to manage a priority of each assignment such that an assignment having a higher priority is distributed to an agent before an assignment having a lower priority. .(Note abstract and see column 11 lines 26-44 and column 21 lines 21-62 and column 23 lines 10-43).

### **Conclusion**

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Ryan (US 5,673,402 Patent) teaches a computer system for producing an illustration of investment repaying a mortgage.

Wolberg (US Pub 2001/0044765) teaches a method for funding post secondary education.



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Libman (US Patent No 6,076,072) teaches a method and apparatus for preparing client communication involving financial products and services.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

April 17, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*A43628*